

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 24, 2006
Tuesday, 9:50 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the January 10, 2006 meeting were approved 7 to 0.

CONSENT AGENDA

Mayor Mayans

Mayor Mayans requested that items 12, 14, and 18 be pulled for discussion.

Motion--
--carried

Mayans moved that the Consent Agenda items 1 through 19K be approved as presented excluding items 12, 14 and 18. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 23, 2006.

Bids were opened January 13 and January 20, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications (Exhibit Attached).

21st Street North from Oliver to Woodlawn. (87N-0190-01/472-84235 /706923/ 205389) Traffic to be carried thru construction. (District I)

Cornejo & Sons Construction - \$1,462,435.25*
*Upon KDOT approval

Water Distribution System to serve Auburn Hills 16th Addition -south of Maple, east of 151st Street West. (448-90121/735284/470955) Does not affect existing traffic. (District V)

McCullough Excavation - \$120,750.00

Water Distribution System to serve Reed's Cove 3rd Addition - south of 21st Street North, east of 127th Street East. (448-89957/735290/470961) Does not affect existing traffic. (District II)

McCullough Excavation - \$36,650.00

Water Distribution System to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (448-89614/735287/470958) Does not affect existing traffic. (District II)

McCullough Excavation - \$70,650.00

Main 18 Four Mile Creek Sewer to serve McEvoy & Casa Bella Additions - south of Harry Street, west of 127th Street East. (468-84026/744131/480819) Does not affect existing traffic. (District II)

WB Carter Construction - \$431,000.00

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Wichita Waterwalk Public Improvements, Phase 2 - north of Kellogg, east of Arkansas River) (472-84133/792424/622098/435352/675126) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$346,231.00

Kite from the east line of the plat, west to the west line of the plat; Marblefalls from the south line of Kite, south to the south line of Lot 38, Block C; Kite Court (Lots 11 through 17, Block D) from the north line of Kite north to and including the cul-de-sac; Kite Court (Lots 31 through 41, Block A) from the south line of Kite south to and including the cul-de-sac; Kite Court (Lots 42 through 53, Block A) from the south line of Kite south to and including the cul-de-sac; Sidewalk on Kite and Marblefalls to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (472-84264/ 765973/ 490088) Does not affect existing traffic. (District I)

APAC – Kansas Inc. - \$391,193.91

Water Distribution System to serve Eberly Farm Office Park Addition - south of 21st Street North, east of 135th Street West. (448-90140/735294/470965) Does not affect existing traffic. (District V)

Mies Construction - \$17,511.50

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Traffic Barrels and Barricades.

Paving Maintenance Supply Inc. - \$35,604.00* (Group 1/total net bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: 40 each– LFL Liberty Lightbars.

OMB Police Supply* - \$62,788.00 (State of Kansas Contract #08156)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

LICENSE

APPLICATION FOR LICENSE.

Escort Service:

Renewal

2006

Sandra Jean Lacy

Jessie's Primetime Entertainment 304 South Laura

Motion--

Mayans moved that the license subject to Staff review and approval be approved. Motion carried 7 to 0.

--carried

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CMBS

APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption off Premises)</u> |
|----------------|-------------|-----------------------------------|
|----------------|-------------|-----------------------------------|

| | | |
|--------------|---------------|----------------------|
| Mike Hoffman | Kwik Shop 749 | 2142 North Webb Road |
|--------------|---------------|----------------------|

Motion--
--carried

Mayans moved that the license subject to Staff review and approval be approved.
Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 2005 Sanitary Sewer Reconstruction Phase 13, north of Harry, between Hillside & 143rd Street East. (468-84137/620449/665568) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III) - \$150,000
- b) Lateral 11, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition, (south of Maple, east of 151st Street West) (468-84089/744154/480842) Does not affect existing traffic. (District V) - \$231,000
- c) 29th Street Water Line, Maize to 119th (448-89798/633761/633762/753850/753904) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$596,000
- d) Lateral 5, Main 10 Four Mile Creek Sewer to serve Dillon's 12th Addition - north of 13th Street North, east of Greenwich. (468-84124/744161/480849) Does not affect existing traffic. (District II) - \$105,000
- e) Storm Water Drain #236 to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (468-83883/751411/485302) Does not affect existing traffic. (District V) - \$678,408
- f) Water Distribution System to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (448-90095/735282/470953) Does not affect existing traffic. (District II) - \$140,000
- g) Water Line Connection to serve Legacy & Brighton Court Additions - south of 21st Street North, west of Webb) (448-90131/635667/765720) Does not affect existing traffic. (District II) - \$40,000
- h) Jardine Drive to serve 21st Street Kids & Family Empowerment Addition - north of 21st Street North, east of Hydraulic) (472-84282/706930/205396) Does not affect existing traffic. (District I) - \$743,200

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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PETITION

CONSTRUCT PAVING, SANITARY SEWER, DRAINAGE AND WATER IMPROVEMENTS IN WHISPERING LAKES ESTATES ADDITION, SOUTH OF HARRY, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0055

The Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer, drainage and water improvements within a residential development located south of Harry, west of 159th St. East.

The Petitions total \$806,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-030

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90166 (south of Harry, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-031

Resolution of findings of advisability and Resolution authorizing construction of Lateral 394, Four Mile Creek Sewer (south of Harry, west of 159th Street East) 468-84142 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-032

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 288 (south of Harry, west of 159th Street East) 468-84143, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-033

Resolution of findings of advisability and Resolution authorizing constructing pavement on Rosewood, from the east Line of Brookhaven to the west Line of Lot 16, Block 4; Hazel Nut, from the east Line of Lot 28, Block 4 to the west Line of Rosewood; Hazel Nut Cir., from the east Line of Rosewood to and including the cul-de-sac (Lots 26 through 31, Block 1); Rosewood Ct., from the west line of Rosewood to and including the cul-de-sac (Lots 21 through 26, Block 4) (south of Harry, west of 159th Street East) 472-84367, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated December 16, 2005 from David L. Funston over a tract of land lying over a portion of the E 1/2 of the N 1/2 of the SE 1/4 of Section 34, T27S, R2E, of the 6th P.M., Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Utility Easement dated December 27th, 2005 from New Market Square, LTD over a tract of land lying in Block 2, Newmarket Square Phase II, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- c) Drainage and Utility Easement dated November 29th, 2005 from Kansas Bait & Tackle, LLC, a Kansas limited liability Company over a tract of land lying in Lot 6, Block 1, North Ridge Village Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Drainage and Utility Easement dated November 10th, 2005 from Kansas Bait & Tackle, LLC, a Kansas limited liability Company over tracts of land lying in Lots 5 & 6, Block 1, North Ridge Village Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City
- e) Utility Easement dated November 28, 2005 by International Trading Inc. over a tract of land lying within portions of Lots 31, 32, and 33, Block 4, Woodland Lakes Estates Third Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- f) Public Utility Easement dated November 22, 2005 from Groendyke Transport, Inc. over a tract of land lying in Lot 1, Block 2, Bridgeport 3rd Industrial Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- g) Public Utility Easement dated November 22, 2005 from Galichia Enterprises, Inc. over a tract of land with a centerline on Lot 1, Block 1, Hinkle's Addition, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City.
- h) Utility Easement dated November 14, 2005 from Lakepoint Master Association, and Richard D. Smith over a tract of land lying within a portion of Lot 4, Block 1, and a portion of Reserve "F", Autumn Chase Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- i) Utility Easement dated November 14th, 2005 from Greenwich 13, LLC, over a tract of land lying in the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, (OCA# 744161). No Cost to City
- j) Sanitary Sewer Easement dated December 16th, 2005 from Malone Construction, LLC over a tract of land lying in Lot 7, Block E, Rivendale Addition, an Addition to the City of Wichita, Sedgwick County, Kansas (OCA# 620449). No Cost to City.
- k) Utility Easement dated November 8, 2005 from Dillion Real Estate Co., Inc. over a tract of land lying in Lot 2, Block 1, Dillion 12th Addition to Sedgwick County, Kansas (OCA# 744161). No Cost to City.
- l) Utility Easement dated December 12, 2005 from HLK, LLC, a Kansas limited liability company and SRB Kansas, LLC, a Kansas limited liability company, over a portion of Lot 1, Block A, K & B Addition, Wichita, Sedgwick County, Kansas (OCA# 633746). No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

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STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-0055

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The Petitions total \$806,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

CLAIMS REPORT ON CLAIMS ALLOWED FOR DECEMBER 2005:

| <u>Name of Claimant</u> | <u>Amount</u> |
|--------------------------------|---------------|
| All Seasons Construction, Inc. | \$188.45 |
| Brandwyne, Rebecca | \$52.80 |
| Cavanaugh, Daniel | \$127.69 |
| Endicott, William | \$927.79 |
| Kansas Gas Service | \$400.02** |
| Newton, Roger | \$93.19 |
| Thiele, Robert | \$32.14 |
| Tompkins, Tyson | \$1,985.15 |

** Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

AGREEMENTS/CONTRACTS:

SANITARY SEWER NORTH AREA SANITARY SEWER-SUPPLEMENTAL AGREEMENT NO. 2. (DISTRICT VI)

Agenda Report No. 06-0057

On September 14, 2004, the City Council approved a Contract with MKEC Engineering Consultants, Inc. to provide engineering and design services for the North Area Sanitary Sewer. The North Area Sanitary Sewer will serve an area bound by West Street, the Little Arkansas River on the east, one-half mile north of 61st Street and approximately one-fourth mile south of 53rd Street North.

Staff recommends that an alternative pipe sizing and pipe profile be formulated for purposes of bidding, and if the alternative is selected, use the alternative for construction. Larger pipe sizing and a flatter profile would serve a larger portion of the basin to the west. MKEC Engineering Consultants will do the engineering services required for this option.

The cost for the North Sanitary Sewer Area Supplemental Agreement No. 2 is \$7,500. The construction of this project will begin in 2006 with funds available in Mains for Future Development (CIP S-5), Sewer Utility cash, or future revenue bonds.

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The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement with MKEC Engineering Consultants, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONSULT. FIRM

SELECTION OF CONSULTING FIRM, INTERNATIONAL TRADE PROCESSING CENTER STUDY.

Agenda Report No. 06-0058

Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received a \$1,000,000 Congressional Earmark for a feasibility study and work plan for an International Trade Processing Center. These funds are issued by the Federal Highway Administration and are provided through the Kansas Department of Transportation (KDOT) to the City. On March 8, 2005, the City Council approved the grant agreement with the Kansas Department of Transportation. The KDOT Agreement authorizes the City to select a consultant and implement a feasibility study.

The City conducted outreach meetings with public and private organizations, including, but not limited to: Kansas World Trade Center; Sedgwick County; Regional Economic Area Partnership (REAP); Greater Wichita Economic Development Coalition (GWDEC); Visioneering; the Kansas Department of Commerce; and the U.S. Department of Commerce. These meetings provided input for the work tasks to be undertaken by the consultant.

Public Notices of the formal competitive Request for Proposal (RFP) were mailed to 28 different local and national firms. Issuance of a formal notice of the RFP was published in the Wichita Eagle on August 12, 2005 and the Public Notice was posted on the City's Electronic Procurement web site for approximately 1.5 months. The City Manager appointed a formal Screening and Selection Committee comprised of City Council Members Bob Martz and Sharon Fearey and City staff from economic development, finance, planning and airport. Also included on the Selection Committee were representatives from Sedgwick County, Kansas World Trade Center and the Wichita Area Chamber of Commerce.

The Screening and Selection Committee reviewed the proposals and voted to interview the top two firms. These firms made detailed presentations to the Screening and Selection Committee on November 28, 2005. The bids for the two firms were \$950,000 for TranSystems and \$754,051 for PB Consult, Inc. The Screening and Selection Committee requested staff secure additional clarification from TranSystems regarding their financial proposal. It was determined that TranSystems had the lowest cost base bid at \$669,599.50. The Screening and Selection Committee recommends the contract be awarded to TranSystems for the base bid and additional services totaling \$908,325.

The Selection Committee believed the TranSystems' proposal had a much stronger Community Outreach Component to help the Wichita Community and South Central Kansas participate more fully and provide more meaningful input to the feasibility study. The Selection Committee also indicated the TranSystems' proposal showed an entrepreneurial approach and was much stronger in communication and advocacy for South Central Kansas access to international markets. TranSystems also offered to solicit additional funding to implement study recommendations.

The City will coordinate the management of the study and work plan with area groups and the consultant will evaluate the economic feasibility and develop a work plan for implementing an International Trade Processing Center – a high tech inland processing and distributing Center and Warehouse. The consultant will determine the feasibility of such an inland port; identify key partners, facility and infrastructure needs/costs, configuration and layout, funding and potential sites, customs and security requirements, development costs and other important aspects of such a trade processing facility.

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The specific tasks the consultant will undertake include:

- Ø Survey user needs and support for a trade processing (and warehousing) center and develop an operations concept based on the survey results;
- Ø Create an operational design for a trade processing center and model various physical features and business service offerings based on the survey;
- Ø Create a strategy and development plan for a South Central Kansas international trade processing center and related facilities;
- Ø Coordinate with other agencies, including governments and organizations, in the development of infrastructure and technology needs;
- Ø Identify financial support needed from beneficiaries from the improvement of trade and transportation facilities and operational requirements.

The total contract amount will not exceed \$908,325. The City has KDOT grant funds of \$963,190 approved and budgeted for the feasibility study. No local matching funds are required.

The contract has been reviewed and approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

BROOKS LANDFILL

BROOKS LANDFILL AIR PUMP PROJECT AMENDMENT NO. 2 WITH CAMP DRESSER AND MCKEE. (DISTRICT VI)

Agenda Report No. 06-0059

On July 1, 2003 the City Council approved an Agreement between the City and Camp Dresser & McKee (CDM) to provide for engineering services for the development of a permit application for a Title V Air Permit for the Brooks Landfill site. A Change Order dated May 1, 2005 provided for an adjustment to the scope of services at no net cost increase. Amendment No. 1 in the amount of \$ 7,500 was approved by the City Council on June 14, 2005.

Amendment No. 2 provides for additional services by the Consultant (CDM) to prepare the permit mandated New Source Performance Standard (NSPS) report. The NSPS report and the Annual Compliance Certification are both due by January 31, 2006. A Request for Proposals is being prepared to solicit consulting services for the preparation of these reports on an ongoing basis.

The total not-to-exceed cost of Amendment No. 2 is \$12,500. The cost estimate for the New Source Performance Standard (NSPS) report and the Annual Compliance Certification is \$5,000 and \$7,500 respectively. The original agreement was for \$45,200. Amendment No. 2 will bring the total amount of the agreement to \$ 65,200.

The Law Department has approved Amendment No. 2 as to form.

Motion--
--carried

Mayans moved that Amendment No. 2 be approved and the necessary signatures authorized. Motion carried 7 to 0.

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K-96 BYPASS

AGREEMENT FOR 13TH STREET NORTH FROM K-96 BYPASS TO 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0060

The Public Works Department for Sedgwick County intends to pave 13th Street from K-96 to 159th Street East, with construction to begin in the first quarter of 2006. Utility adjustments, relocations, and extensions in advance of the Sedgwick County improvement, are necessary. Such utility work includes the design and construction of water lines and sanitary sewers in the area of the paving project.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of the water lines and sanitary sewer lines necessary to clear the paving project. Construction of the proposed utility work ahead of the paving project will reduce the utility project costs and minimize disruption of the area.

Payment to PEC will be on a lump sum basis of \$43,500, and will be paid by Water and Sewer Utility.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SRS ELEC. PYMNTS

SRS ELECTRONIC PAYMENTS FOR PARK RECREATION CENTERS.

Agenda Report No. 06-0061

The Kansas Department of Social and Rehabilitation Services (SRS) has been offering Electronic Benefit Transfers (EBT) through the Vision Card since 1996. Electronic Benefit Transfers (EBT) has been an efficient method of benefit delivery and has eliminated the need to issue cash assistance checks and paper food coupons. SRS is now mandating that childcare subsidy benefits be added to the EBT program.

The State of Kansas has contracted with Efunds Corporation to provide electronic payments for childcare services. The City's ten recreation centers receive SRS childcare payments primarily through the Summer of Discovery program. It is necessary for the City to enter into an agreement with Efunds Corporation in order to receive childcare payments electronically after September 1, 2005

The Park and Recreation Department receives approximately \$100,000 each year from the State of Kansas for Child Care Provider services. After September 1, 2005, SRS will only make payments electronically through the Federal Reserve's automated clearing house (ACH). The City will forego this revenue if the City does not enter into the agreement for electronic childcare payments. Efunds provides a terminal for swiping SRS Vision cards that will assist in reconciliation of bank accounts and tracking of individual payments. The terminals rent for \$18/month. Ten recreation centers need the terminals for an ongoing cost of \$2,160/year to be paid for by the Park Department.

The Department of Law has reviewed and approved the agreements as to form.

Motion--
--carried

Mayans moved that the agreements for Electronic Childcare Benefits Distribution be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DESIGN SERVICE AGREEMENTS:

MCCOMAS/FLORA DOUGLAS FROM MCCOMAS TO FLORA. (DISTRICTS IV AND VI)

Agenda Report No. 06-0062

The Capital Improvement Program includes funding for a 36" Water Main in Douglas from McComas to Flora.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of the water main in Douglas from McComas to Flora. The Staff Screening and Selection Committee selected MKEC for the design on November 15, 2005.

Payment to MKEC will on a lump sum basis of \$55,250, and will be funded by the Water Utility

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CASA BELLA ADD. CASA BELLA ADDITION, NORTH OF PAWNEE, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0063

The City Council approved the water distribution system, sanitary sewer, drainage and paving improvements in Casa Bella Addition on December 20, 2005.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer, drainage and paving in Casa Bella Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$95,000 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQUISITIONS:

SEWER PROJECT UTILITY EASEMENT FOR THE NORTH AREA SEWER PROJECT. (DISTRICT V)

Agenda Report No. 06-0064

On October 21, 2003, the City Council approved the construction of force mains; pump stations, and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. Five easements remain to be acquired. One of the required easements is across the front of a vacant strip of land owned by the seller.

The project requires the acquisition of a fifteen-foot permanent easement and a one hundred foot temporary easement across the east part of the property. The easements and damages to improvements were valued at \$2,500. This amount was offered to the property owner and accepted.

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A budget of \$3,000 is requested for the acquisition. This amount includes \$2,500 for the acquisition and \$500 for closing costs and title insurance. The funding source is the sewer utility.

The Law Department has approved the contact as to form.

Motion--
--carried

Mayans moved that the budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

2107 N. 135TH ST. W.

UTILITY EASEMENT FOR THE NORTH AREA SEWER PROJECT AT 2107 NORTH 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 06-0065

On October 21, 2003, the City Council approved the construction of force mains; pump stations, and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. Five easements remain to be acquired. One of the required easements is across the front of the single-family residence at 2107 North 135th Street West.

The project requires the acquisition of a forty-foot permanent easement and a one hundred foot temporary easement across the east part of the property. The construction will require the removal of a shelterbelt of trees and pecan trees and damage the existing septic system. The easements and trees were valued at \$20,000. This amount was offered to the property owner and accepted.

A budget of \$21,000 is requested for the acquisition. This amount includes \$20,000 for the acquisition and \$1,000 for closing costs and title insurance. The funding source is the sewer utility.

The Law Department has approved the contact as to form.

Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PIPELINE EASMENTS

PIPELINE EASEMENTS AND TEMPORARY EASEMENT FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 06-0066

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Sixteen of the twenty-two have been secured. Two additional landowners (Bergkamp and Beugelsdijk) of the identified sites have agreed to provide the four parcels we sought as pipeline easements and temporary construction easements to the City of Wichita for a respective \$10,220, or the equivalent to \$1,400 per acre.

A budget of \$11,420 is requested; this includes \$10,220 for acquisition and \$1,200 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

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The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

7700 E. KELLOGG

A PORTION OF 7700 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (DISTRICT II)

Agenda Report No. 06-0067

A portion of the property at 7700 East Kellogg is required for the planned East Kellogg/Rock Road Improvement Project. The property is improved with the Town East regional shopping mall and several free standing commercial buildings. The proposed improvements require 97,955 square feet. This includes 63,028 square feet of parking along Kellogg, 4,681 square feet of parking along Rock Road and 30,246 square feet of the sites currently occupied by a restaurant and a motel.

The land being acquired and the restaurant building were appraised for \$4,460,000. This value is for the real estate only and does not include any costs associated with damage to the remainder of the mall or the cost to reconstruct parking and interior drives. A settlement amount of \$5,150,000 has been negotiated with the owner of the mall. In addition, the seller will receive 70,000 square feet of land from City-owned property located adjacent to the mall. Also, Armour Drive from Kellogg to Douglas is to be renamed Town East Mall Drive. This settlement does not include the motel leasehold, which is subject to a separate negotiation.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$5,225,000 is requested. This includes \$5,150,000 for the acquisitions, \$50,000 for demolition and \$25,000 for closing costs, surveys, environmental studies, title insurance and other transaction costs.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the budget and the real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Item 12) GENESIS

CONTRACT FOR OUTSIDE LEGAL SERVICES-GENESIS HEALTH CLUB, INC. ET AL V. CITY OF WICHITA, CASE NO. 05-CV 3410.

Agenda Report No. 06-0068

In September of 2005, the City was sued by Genesis Health Club, Inc. and some affiliated businesses in connection with a proposed Industrial Revenue Bond project that never culminated in the issuance of bonds. On September 28, 2005, the City Manager approved a contract with the firm of Hite, Fanning and Honeyman L.L.P. to defend the City in that lawsuit. The maximum payment for fees and expenses in that contract was \$24,000.

Hite, Fanning & Honeyman has performed substantial legal work in defending the City over the past three months and the maximum amount of fees and expenses set out in the original contract has been met. In order to continue to represent the City adequately in this matter such maximum amount needs to be increased by \$50,000..

The fees and expenses for the City's defense of this lawsuit will be paid out of the Economic Development fund.

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The amendment to the original contract for legal services was drafted and approved as to form by the Law Department.

- Mayor Mayans Mayor Mayans stated that he pulled this item because he will be voting no. Stated that there is no clear path regarding this item and disagreed with the request for more money and using outside legal counsel.
- Council Member Gray Council Member Gray stated that he would like to explain why he will be voting to approve the amendment to the contract. Stated that when the City is being sued, it should take full defense of itself. Stated that outside counsel has the area of expertise where we do not. Stated that he does not concur with the idea of not needing outside legal services and feels that we have the funding for this.
- Gary Rebenstorf Director of Law explained that there are allegations presented against the City and that the City Attorney is a significant fact witness in this case. Stated that he or his office cannot represent the City in this case from a legal and ethical standpoint.
- Motion-- Mayans moved that the amendment to the contract, increasing the maximum amount of fees and expenses that may be paid thereunder to \$74,000 be approved and the necessary signatures authorized. Motion carried 6 to 1, (Mayans-no).
- carried

CESSNA AIRCRAFT CONVEYANCE OF EQUIPMENT, CESSNA AIRCRAFT COMPANY. **(DISTRICTS III AND IV)**

Agenda Report No. 06-0069

On December 14, 2004, the City Council approved the issuance of Industrial Revenue Bonds (Series VIII, 2004) in the amount of \$51,800,000, for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility for the benefit of Cessna Aircraft Company. Included in the property financed by the 2004 Bonds is certain tooling used to develop prototypes of the new Mustang aircraft. On December 1, 2005, the City of Wichita received notice from Cessna Aircraft Company of its intention to exercise its option to purchase a portion of the Project consisting of the Mustang Tooling and to redeem and pay a like amount of principal of the Series VIII Bonds, in order to facilitate relocation of the tooling to Independence, Kansas.

Pursuant to the terms of Article VIII of the Lease, Cessna Aircraft Company has notified the City of its intent to exercise its option to purchase the Tooling. The City has been advised by Bond Counsel that Cessna has the right to obtain release of this property.

There is no financial impact to the City resulting from the requested change. The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement.

The City Attorney's office has reviewed and approved the Resolution and all necessary documents as to form.

- Motion-- Mayans moved that the Resolution waiving the notice provisions of the Lease, and authorizing Supplemental Indenture the Bill of Sale and execution and delivery of a partial release of 14th Supplemental Lease and for the purpose of releasing the Tooling from the Lease and Indenture be adopted and the necessary signatures authorized. Motion carried 7 to 0.
- carried

RESOLUTION NO. 06-034

A Resolution of the City of Wichita, Kansas, authorizing redemption and payment of a portion of taxable Industrial Revenue Bonds, Series VIII, 2004 (Cessna Aircraft Company); approving optional purchase of certain bond-financed property; authorizing execution of Bill of Sale, Partial Release of the 14th Supplemental Lease, Partial Release of 14th Supplemental Indenture and all such other documents necessary to convey title to such property, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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(Item 14) HUMATEC

CONTRACT WITH HUMATEC.

Agenda Report No. 06-0070

The City has retained the engineering firm of NS Ventures, Ltd. d/b/a Humatec, through its employees, William N. Nelson, Stephan P. Buckley and Mark A. Heidebrecht, to provide professional advice and expert witness services for the city in pending civil rights litigation involving the Wichita Police Department.

The original contract provided for compensation not to exceed \$20,000. An additional \$25,000 was authorized by resolution in October 2005. The additional amount is necessary for continued professional examination of the engineering aspects of the case, in preparation for trial and for services related to testimony as expert witnesses. This will be the second amendment to the contract. The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters and are reasonable in amount.

Funding for this contract is from the Self-Insurance Fund.

The Amendment to the Agreement has been prepared and approved as to form by the Department of Law.

- Mayor Mayans Mayor Mayans stated that staff had not talked to him about this item and that it was not discussed in Executive Session. Stated that he will be voting no on this item because no one has visited with him on it.
- Council Member Fearey Council Member Fearey stated that she thought this item has been discussed in Executive Session.
- Gary Rebenstorf Director of Law stated that it had been discussed in Executive Session at the last City Council Meeting.
- Motion-- Fearey moved that the amendment to the agreement between the City and NS Ventures, Ltd. d/b/a Humatec to authorize payment of an additional sum of \$60,000 for the provision of additional consulting services in 2006, together with any necessary fund transfers be approved and the Mayor authorized to execute the contract. Motion carried 6 to 1, (Mayans-no).
- carried

COUNCIL GOALS

2006-2007 CITY COUNCIL GOALS.

Agenda Report No. 06-0071

The City Council and staff participated in a Strategic Opportunities Retreat in November 2005. During the retreat, the group developed and prioritized a list of 2006-2007 goals for the City of Wichita. The goals were further refined by staff and presented to the City Council in a workshop on January 10, 2006.

The following goals are recommended for approval by the City Council:

- Provide a safe and secure community
- Promote economic vitality and affordable living
- Ensure efficient infrastructure
- Enhance quality of life
- Support a dynamic core area and vibrant neighborhoods

- Motion--carried Mayans moved that the 2006-2007 goals be approved. Motion carried 7 to 0.

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2006 STREET MAINT PROPOSED 2006 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Report No. 06-0072

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2006 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

| | |
|---|--------------|
| Street Maintenance Budget | \$ 4,918,910 |
| Capital Investment Maintenance Program (General Fund) | 762,400 |
| Total Contracted Street Maintenance Program | \$ 5,681,310 |

The City of Wichita is responsible for maintenance of over 1,660 miles of paved streets, and 100 miles of dirt streets. In addition, the City maintains 285 bridges and 30 pedestrian bridges. The Department of public works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2006 program will provide repairs to approximately 12 miles of arterial streets and 24 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. Two bridges are also scheduled for bridge deck rehabilitation.

Attached are listings of proposed locations for each City Council District, as well as a City map of locations in the 2006 program. Expenditures are balanced so that funds are equally distributed among the six City Council Districts.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,681,310. Funds have been approved in the 2006 Budget for these programs.

Motion--carried

Mayans moved that the programs be approved. Motion carried 7 to 0.

G.R.E.A.T.

G.R.E.A.T. (GANG RESISTANCE EDUCATION AND TRAINING) GRANT.

Agenda Report No. 06-0073

The U.S. Department of Justice Office of Justice Programs announced a competitive grant opportunity available to local law enforcement agencies to support the implementation of the G.R.E.A.T. Program. The G.R.E.A.T. Program is a school-based violence prevention curriculum. G.R.E.A.T. lessons, are taught by law enforcement officers, and focus on providing life skills to students to help avoid delinquent behavior and violence to solve problems. The G.R.E.A.T. program is designed to produce attitude and behavior change through a unique combination of skills training, cooperative learning, discussion and role-playing. Deadline for grant applications is February 2, 2006.

The G.R.E.A.T. Program will address the Wichita School District's goal of providing a safe learning environment as well as meet two of Wichita Police Department's goals and objectives regarding the 2004 Gang Plan Response Prevention and Intervention Actions:

- The department will collaborate with USD 259 to integrate the G.R.E.A.T. program into the school curriculum. This program will be presented during summer activities and by School Resource Officers (SROs) next school year.
- SROs will plan a joint education meeting involving USD 259 parents, students, gang unit officers and the District Attorney.

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Grant funding is requested in the amount not to exceed \$100,000 from the U.S. Department of Justice Office of Justice Programs. This grant does require a 10% (\$10,000) in-kind match of the federal funds received, which will be met through City SROs personnel time dedicated to teaching G.R.E.A.T.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures authorized.
Motion carried 7 to 0.

(Item 18)
EAST/WEST BANK

REVIEW OF LAND USE PROPOSALS FOR URBAN RENEWAL PROPERTY ON THE EAST AND WEST BANK OF THE RIVER.

Agenda Report No. 06-0074

On November 19, 2005, the City published a 30-day notification inviting competing redevelopment proposals for the Boathouse and West Bank properties under the Urban Renewal regulations for public owned property. The City received 5 proposals for the Boathouse and 1 proposal for the West Bank by the December 19, 2005 deadline.

The City Council took action on January 26, 1993 to lease land to the Arkansas River Foundation to renovate the former Senior Center facility for a proposed boathouse with various boating activities that included the Wichita Rowing Association, the Wichita Sailing Club, Wichita State University Crew, RiverKids, and Canoe and Kayak Club. The lease agreement allowed William Koch and supporters of the Boathouse project to contribute funds to the Arkansas River Foundation to renovate the Senior Center facility into a recreated Boathouse that resembled the 1920 facility located near the Murdock Street Bridge. The City was obligated to reimburse Community Development Block Grant proceeds for the Boathouse property that was subject to H.U.D. regulations for non-eligible CDBG uses. The current philosophy of the City Council is not to sell river corridor land, but considered leasing ground for public uses as it has in the past.

In August of 1997, the City Council took action to reclaim ownership of the Boathouse property from the Arkansas River Foundation and agreed to take over the facility operations and maintenance of the "Jayhawk" yacht that Mr. Koch donated to the City. Beginning in January 1998, the City made significant capital improvements to the Boathouse and has continued to maintain the facility after suspending daily operations in December 2004. From 1998-2004, the Boathouse operated at an average loss of \$31,000 per year. In 2005, the Boathouse was vacant and will remain vacant in 2006. It is possible that the Boathouse could resume future functions in 2007 once public improvements within the WaterWalk Development are completed to properly assess parking needs for the facility as well as the need to address ADA issues that currently exist with the removal of the annex addition.

On January 10, 2006 at a City Council Workshop, staff made a presentation on the Boathouse and West Bank redevelopment proposals and received a general consensus from the City Council to defer taking any immediate actions on the redevelopment proposals.

A revised copy of WaterWalk Development Master Plan and copy of the Boathouse and West Bank proposals matrix is attached with this agenda report for you to review.

Mayor Mayans

Mayor Mayans stated that he feels that the Council should not consider proposals for tearing down the Boathouse. Stated that he is not in favor of tearing it down but to lease the facility and turning the utilities back on.

George Kolb

City Manager stated that he was following the consensus of the Council regarding the east bank proposals

Council Member Gray

Council Member Gray stated that he is in favor of supporting the effort of moving forward with the west bank project but asked that we pursue something other than a \$1.00 a year lease. Stated that it would be more prudent to reject the proposals now and resubmit them to more coincide with the use of the facility than to tear it down.

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Council Member Fearey Council Member Fearey suggested a compromise that would reject the proposals that involve the sale or demolition of the Boathouse and to save the two proposals to lease the facility.

Mayor Mayans Mayor Mayans stated that it would appear better to reject all of the proposals and not just some of them.

Gary Rebenstorf Director of Law stated that this would be more of a policy decision for the Council to make than a legal issue.

Council Member Gray Council Member Gray stated that it would be cleaner to reject all of the proposals and then re-solicit new ones when the time is appropriate.

Motion-- Gray moved to authorize the Manager to notify each participant in the land use redevelopment proposal process for the urban renewal property on the east bank of the river that all proposals have been rejected and authorize the City Manager to begin preliminary discussions with the proposer of the west bank redevelopment proposal. Motion carried 7 to 0.

--carried

REAP DUES

REGIONAL ECONOMIC AREA PLANNING, (REAP) MEMBERSHIP DUES.

Agenda Report No. 06-0094

The Regional Economic Area Partnership (REAP) is an organization whose membership includes 32 municipalities and county governments in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick and Sumner counties. The City of Wichita has participated as a member of REAP since 1997. Currently, Mayor Mayans serves as the City of Wichita representative to REAP, with Council member Martz as the alternate.

REAP activities are funded in part with assessments upon the members. The fee is calculated based on the size of the entity and a per capita assessment. At the December REAP meeting, the proposed 2006 Work Plan and the budget were approved by the REAP governing body. The 2006 Work Plan includes supporting partnerships with the State of Kansas to maintain affordable air fares through and from Wichita's Mid-Continent Airport and identifying opportunities for the South Central Kansas region to take advantage of geographic location and economic resources to enhance economic development. Under the membership formula, the assessment for the City of Wichita is \$26,050.

The 2006 Adopted Budget includes funding for REAP membership in the non-departmental memberships line item.

As a legally recognized entity, REAP may assess membership dues based on a vote of a majority of its members cities and approved by the respective governing bodies.

Motion--carried Mayans moved that the payment of membership dues to REAP be approved. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JANUARY 10, 2006).

- a) Sidewalk Repair and Sidewalk Cleaning Assessment Program. (Districts I, II, III, IV, V)

ORDINANCE NO. 46-876

1. An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks repair in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-877

2. An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) 29th Street North Improvement, from Tyler to Ridge. (District V)

ORDINANCE NO. 46-878

An Ordinance amending Ordinance No. 46-121 of the City of Wichita, Kansas declaring 29th St. North, between Tyler and Ridge (472-83903) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Central and Oliver Intersection Improvement. (Districts I & II)

ORDINANCE NO. 46-879

An Ordinance declaring the Intersection of Central and Oliver (472-84362) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- d) Pawnee Improvement, between 119th Street West and Maize. (District IV)

ORDINANCE NO. 46-880

An Ordinance declaring Pawnee between 119th Street West and Maize (472-84357) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) Amendment to SBA Microloan Agreement.

ORDINANCE NO. 46-881

An Ordinance of the City of Wichita, Kansas (the "City"), authorizing the execution of a contract amendment to the SBA Microloan Agreement between the City of Wichita and South Central Kansas Economic Development District, Inc., read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- f) DR2005-15-Request for a Street Name Change from 31st Street North to Toben, located on the west side of Webb Road and south of 37th Street North. (District II)

ORDINANCE NO. 46-882

An Ordinance changing a street name from 31st Street North to Toben, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- g) DR2005-00023-Zone Change from Limited Industrial to Central Business District. Generally located between St. Francis Avenue, William Street, BNSF railroad right-of-way, one-half block east of Commerce Street and Kellogg. (District I)

ORDINANCE NO. 46-883

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (DR2005-00023)

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- h) DR2005-00024-Zone Change - generally bounded by a line beginning at the intersection of Washington Avenue and Second Street North, thence east along Second Street North to I-135, thence south along the west right of way to the southern boundary of the Kansas Food Bank Warehouse Addition, thence west on said boundary to Minneapolis Street, thence north to an east/west alley, thence west along said alley to Kansas Avenue, thence south to an east/west alley, thence west to Hydraulic, thence south along Hydraulic Avenue to Waterman Street, thence west along Waterman to the BNSF railroad right-of-way, thence north to Douglas Avenue, thence east to Washington Avenue, and thence north to the point of beginning. (District I)

ORDINANCE NO. 46-884

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (DR2005-00024)

- i) DR2005-00033-Zone Change - area beginning at the intersection of Waterman Street and Washington Avenue, thence south on Washington Avenue to Kellogg, thence west on Kellogg approximately 750 feet to the boundary of the BNSF railroad right-of-way/terminal, thence north to Waterman Street, and thence east to Washington Avenue. (District I)

ORDINANCE NO. 46-885

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (DR2005-00033)

- j) A06-01R-generally located southwest of the intersection of 29th Street North and West Street. (District V)

ORDINANCE NO. 46-886

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-01)

- k) A06-02R-generally located to the south of 29th Street North, between Greenwich Road and 127th Street East. (District II)

ORDINANCE NO. 46-887

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-02)

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PLANNING AGENDA

Motion--carried Mayans moved that the Planning Consent items be approved as presented. Motion carried 7 to 0.

DED2005-30 **DED2005-30-DEDICATION OF A UTILITY EASEMENT, LOCATED EAST OF HOOD AND SOUTH OF 29TH STREET NORTH. (DISTRICT VI)**

Agenda Report No. 06-0075

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (10-1)

This Dedication was included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

This Dedication is associated with a lot split case (SUB 2005-110). The Dedication is for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED2005-31 **DED2005-31-DEDICATION OF A SIDEWALK AND UTILITY EASEMENT FOR PROPERTY LOCATED EAST OF HOOD AND SOUTH OF 29TH STREET NORTH. (DISTRICT VI)**

Agenda Report No. 06-0076

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (9-0)

This Dedication is associated with a lot split case (SUB 2005-131), and is being dedicated for construction and maintenance of a sidewalk and public utilities

This Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

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DED2005-32

DED2005-32-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED WEST OF MAIZE ROAD AND ON THE SOUTH SIDE OF 21ST STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0077

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (9-0)

This Dedication is associated with a lot split case (SUB 2005-107). The Dedication is for access control, except for one opening, along 21st Street.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED2005-33

DED2005-33-CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY AND DED 2005-34-DEDICATION OF A UTILITY EASEMENT, LOCATED EAST OF SENECA AND NORTH OF 31ST STREET SOUTH. (DISTRICT IV)

Agenda Report No. 06-0078

Staff Recommendation: Accept the Dedications.

MAPC Recommendation: Accept the Dedications. (10-1)

These Dedications were included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

The Dedications are associated with a lot split case (SUB 2005-125). The Dedications are for additional street right-of-way along Diane Street (contingent upon the widening of Diane Street), and for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DED2005-35

DED2005-35-DEDICATION OF STREET RIGHT-OF-WAY; DED2005-36-DEDICATION OF ACCESS CONTROL; DED2005-37-DEDICATION OF ACCESS CONTROL AND DED2005-38-DEDICATION OF STREET RIGHT-OF-WAY, FOR PROPERTY LOCATED SOUTH OF PAWNEE AND WEST OF MERIDIAN. (DISTRICT IV)

Agenda Report No. 06-0079

Staff Recommendation: Accept the Dedications.

MAPC Recommendation: Accept the Dedications. (10-1)

These Dedications were included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

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The Dedications are associated with a lot split case (SUB 2005-111), and are being dedicated for street right-of-way along Pawnee Avenue and complete access control, except for one opening, along Pawnee Avenue.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

SUB2004-123

SUB2004-123-PLAT OF KOKER ADDITION, LOCATED NORTH OF CENTRAL AND ON THE WEST SIDE OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 06-0080

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 13 lots on 2.25 acres, is located with Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and paving improvements. Restrictive Covenants have been submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street; and 3) outline restrictions for lot-owner use for platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements. A Drive Approach Closure Certificate was submitted requiring the closure of any existing drive approaches on 119th Street West located within the area of complete access control. An Off-site Drainage Agreement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-042

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90167 (north of Central. West of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-043

Resolution of findings of advisability and Resolution authorizing construction of Lateral 511, Southwest Interceptor Sewer (north of Central, west of 119th Street West) 468-84145, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-044

Resolution of findings of advisability and Resolution authorizing constructing pavement on North 119th Court west, from 119th Street West, west to and including the turnaround and Hammerheads (north of Central, west of 119th Street West) 472-84380, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2004-131

SUB2004-131-PLAT OF WILSON MEADOW ADDITION, LOCATED SOUTH OF 53RD STREET NORTH AND EAST OF SENECA. (DISTRICT VI)

Agenda Report No. 06-0081

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of three lots on 4.54 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District. The City Environmental Health Department has approved this site for on-site sewerage facilities.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-045

Resolution of findings of advisability and Resolution authorizing construction of Lateral 115, Sanitary Sewer No.23 (south of 53rd Street North, east of Seneca) 468-84001, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-109

SUB2005-109-PLAT OF EMERALD BAY ESTATES ADDITION, LOCATED ON THE WEST SIDE OF WEST STREET AND NORTH OF 21ST STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0082

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 63 lots on 113.47 acres, has recently been annexed into Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. An Emergency Access Easement has also been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants and Emergency Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-035

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90161 (west of West Street, north of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-036

Resolution of findings of advisability and Resolution authorizing construction Water Distribution System No. 448-90162 (west of West Street, north of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-037

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 23, Southwest interceptor Sewer (west of West Street, north of 21st Street) 468-84139, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-038

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 286 (west of West Street, north of 21st Street) 468-84140, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-039

Resolution of findings of advisability and Resolution authorizing construction of Main 23, Southwest Interceptor Sewer (west of West Street, north of 21st Street) 468-84141, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-040

Resolution of findings of advisability and Resolution authorizing constructing pavement on Bayside Ct., from the west line of West Street to and including the cul-de-sac; Bayside, from the north line of bayside Ct. to the north line of Paradise; Paradise/Paradise Ct., from the south line of Emerald Estates Addition to and including the cul-de-sac (west of West Street, north of 21st Street) 472-84364, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-041

Resolution of findings of advisability and Resolution authorizing constructing a Deceleration Lane along West Street serving Bayside Street, the entrance to Emerald Bay Estates (west of West Street, north of 21st Street) 472-84365, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

VAC2005-00038

VAC2005-00038-REQUEST TO VACATE A PLATTED ACCESS CONTROL AND A PORTION OF THE PLATTED SETBACK, GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE 13TH STREET NORTH AND GREENWICH ROAD INTERSECTION. (DISTRICT II)

Agenda Report No. 06-0083

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant has applied for the vacation of the complete access control along the length of its 13th Street North and Greenwich Rd. frontages. The applicant proposes replacing the existing six (6) drives along its 13th Street North frontage with three (3) drives as follows: two (2) right in/right out drives and one (1) full movement drive. The applicant also proposes replacing the existing three (3) drives along its Greenwich Rd. frontage with two (2) drives as follows: one (1) right in/right out drives and one (1) full movement drive. Spacing of the proposed drives is closer to conformance to the current access control standards. There is platted access control on the adjacent west and south properties (The Home Bank & Trust Company Addition and The Gateway Center 2nd Addition), which will be a part of the consideration of the proposed drives. The applicant is also proposing to vacate a portion of a platted 75-foot setback that is generally located on the north 272-foot (starting 50-foot south of its northwest corner) of its Greenwich Road frontage. A proposed lot split of Lot 2 will create a new lot on the north end of the site's Greenwich frontage. The applicant proposes to replace it with a 35-foot setback. The site is part of CUP DP-224, which has two existing lots of a similar size to the new lot and both have 35-foot setbacks along their street frontages; a 35-foot setback is the minimum setback for a CUP. No utilities, water, sewer or manholes are located within the proposed vacated portions of the setbacks or access control. There is a platted easement along the site's Greenwich Rd. frontage. The Dillon 12th Addition was recorded with the Register of Deeds on August 15, 1997.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, a dedication of access control by separate instrument and a dedication of setback by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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VAC2005-00043

VAC2005-00043-REQUEST TO VACATE A PLATTED UTILITY EASEMENT, GENERALLY LOCATED WEST OF YOSEMITE COURT-YOSEMITE STREET INTERSECTION, ON THE NORTH SIDE OF YOSEMITE STREET. (DISTRICT IV)

Agenda Report No. 06-0084

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting the vacation of a portion of the platted 10-foot side yard utility easement as described. There are no utilities, manholes or water and sewer lines in the platted easement. There is no future need for the easement. The applicant proposes a boundary shift on the site to create a larger lot. The Southern Ridge Addition was recorded with the Register of Deeds on January 15, 2003.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00047

VAC2005-00047-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK LOCATED ON THE SOUTHWEST CORNER OF HARRY STREET AND LOCKMOOR STREET, EAST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 06-0085

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicants are requesting consideration to vacate the north 4-feet of the platted 25-foot front yard setback. A mortgage survey revealed an encroachment of less than a foot into the platted front setback. The vacation will clear the encroachment and satisfy a requirement of the mortgage company. Per the UZC, the "SF-5" zoning district has a 25-foot front setback; this is the same as the site's platted 25-foot setback. If the setback was not platted, the 25-foot setback could be reduced by 20% through an Administrative Adjustment. There are no utilities, sewer lines, manholes or water lines in the platted setback. There are no platted easements in the platted setback. The Red Oaks First Addition was recorded with the Register of Deeds on June 15, 1978.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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AIRPORT AGENDA

Mayor Mayans

Mayor Mayans requested to pull item 36 for discussion.

Motion--
--carried

Mayans moved that the Airport Consent items be approved as presented excluding item 36.
Motion carried 7 to 0.

LAND ACQUIS.

AIRPORT IMPROVEMENT PROGRAM LAND ACQUISITION, 4444 NORTH WEBB ROAD, COLONEL JAMES JABARA AIRPORT.

Agenda Report No. 06-0086

On November 4, 2003 the City Council approved the purchase of property located adjacent to Colonel James Jabara Airport. At that time it was noted that an FAA grant would pay for a portion of the acquisition once funds were available.

Funds are now available and staff has prepared a grant application to submit to the FAA.

A grant application has been prepared in the amount of \$630,404 for this purpose. The Airport's matching portion of five-percent will be funded with G.O. bonds paid with airport revenue.

Motion--
--carried

Mayans moved that the grant application and receipt of funds be approved and the necessary signatures once FAA approval and funding is established authorized. Motion carried 7 to 0.

TAXIWAY "H"

TAXIWAY "H" SITE DEVELOPMENT, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0087

Airport Development is included in the Capital Improvement Program. This project will include utility extensions and road construction adjacent to Taxiway "H" to facilitate tenant development in that area.

A request for proposals was issued to solicit professional services. Professional Engineering Consultants was the only submittal received, and a contract has been prepared.

The contract amount for design and bid phase services is \$49,935. The total project cost is estimated to be \$530,000. The project will be paid for with General Obligation bonds paid for with Airport Revenue.

The Law Department has approved the Contract and the Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the contract be approved; the resolution adopted; the capital budget approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A 06-001

A Resolution declaring that a public emergency exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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AIRFIELD SWEEPER PURCHASE OF AIRFIELD SWEEPER, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0088

The 2006 Capital Improvement Program includes a project to purchase airfield equipment. A solicitation has been prepared to purchase a new airfield sweeper to replace an 11-year old airfield sweeper.

Reliability of this equipment is critical in order to remove foreign debris from the airfield pavement. The new equipment will operate more efficiently and economically.

Estimated cost of the equipment is \$150,000, which will be funded with Passenger Facility Charge (PFC) collections.

Motion--
--carried

Mayans moved that the capital project budget be approved and authorize staff to solicit bids. Motion carried 7 to 0.

ESTOPPEL CERT. ASSIGNMENT OF LEASES AND CONSENT TO ASSIGNMENT AND ESTOPPEL CERTIFICATE, WICHITA AIRPORT FACILITIES, INC. TO KOCH BUSINESS HOLDINGS, L.L.C. HANGAR, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0089

Wichita Airport Facilities, Inc. (WAF) currently leases Hangar 16, located at 1700 Airport Road on Wichita Mid-Continent Airport. WAF has no further need of Hangar 16, and is desirous of assigning the lease to Koch Business Holdings, L.L.C. As a part of this assignment, Koch will assume all responsibilities associated with the lease agreement.

This transaction was reviewed by the Wichita Airport Advisory Board at its January 9, 2006 meeting, and the WAAB recommends approval of the assignment.

Koch is a long-term tenant of the Wichita Airport Authority, and currently occupies a facility adjacent to Hangar 16. Assignment of this lease to Koch will provide Koch with a facility to accommodate both current and future growth of its company.

There is no direct financial impact to the WAA during the initial term of the agreement, which is through October 31, 2013. However, Koch will, prior to occupancy, invest up to \$250,000 for a roof replacement and facility stabilization of the south side of Hangar 16 in exchange for an extension of the lease agreement beyond 2013. Land rent will be adjusted per WAA policy commencing November 1, 2013 by supplemental agreement.

The Law Department has approved the Assignment and Consent to Assignment and the Estoppel Certificate as to form.

Motion--
--carried

Mayans moved that the Assignment of Leases and Consent to Assignment and Estoppel Certificate be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EAGLEJET

SUBLEASE AGREEMENTS BETWEEN WICHITA AIRPORT FACILITIES, INC. AND EAGLEJET AVIATION FOR USE OF HANGARS 17, 19 & 28, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0090

Wichita Airport Facilities, Inc. (WAF) currently leases Hangars 17, 19 and 28 located on Wichita Mid-Continent Airport. WAF is no longer interested in providing fixed base and maintenance operations on this airport and has sold this business to Eaglejet Aviation. As part of that arrangement, Eaglejet Aviation will sublease Hangars 17 and 19 directly from WAF. Hangar 28, which is currently vacant, will be subleased to Eaglejet on an as-needed basis whenever Eaglejet has need for additional storage space. However, WAF will still market the hangar for lease on a long-term basis. Eaglejet will assume the FBO privileges, rights, responsibilities and public service obligations.

This transaction was reviewed by the Wichita Airport Advisory Board at its January 9, 2006 meeting, and the WAAB approved acknowledgment of the sale of the fixed base operator assets and privileges, and the subleases of Hangars 17, 19 and 28.

In that this is a sublease arrangement, WAF remains responsible for the requirements outlined in the original agreement between the Wichita Airport Authority and the WAF. Terms of the sublease agreement are subordinate to the original agreement.

The Law Department has approved the subleases as to form.

Motion--
--carried

Mayans moved that the Sublease Agreement for Hangars 17 & 19 and the Sublease Agreement for Hangar 28 be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Item 36) AIRTRAN

CONTRACT FOR OUTSIDE LEGAL SERVICES-DELTA AIRLINES COMPLAINT WITH FAA REGARDING AIRTRAN AIRLINES.

Agenda Report No. 06-0091

In December 2004 the City Manager retained the law firm of Palmer & Dodge to represent the interests of the Wichita Airport Authority in connection with a complaint filed with the Federal Aviation Administration by Delta Airlines challenging the relationship between the City of Wichita and AirTran Airlines entered into in May 2004. This agreement was for an initial amount not to exceed \$24,000. The contract was amended by the Council on September 13, 2005, to increase authorized payments to \$75,000. The firm has provided representation since that time and the matter remains pending with the FAA. There is some additional legal work necessary to fully protect the interests of the Wichita Airport Authority that will exceed the limits of the existing contract as amended. In addition, the firm of Palmer & Dodge has merged with another firm and the new name of the firm is Edwards, Angell, Palmer & Dodge. The attorney who has provided the legal services to date has not changed with the merger.

In order to continue to represent the Wichita Airport Authority adequately in this matter the maximum amount that can be expended for fees and expenses under the existing contract needs to be increased to \$99,000.

The fees and expenses for the City's defense of this lawsuit will be paid by the Wichita Airport Authority.

The Law Department has approved the amendment to the contract for legal services as to form.

Mayor Mayans

Mayor Mayans stated that this is another item that deals with outside legal counsel. Stated that regarding the Delta contract, he did not know anything about this until reading it in the media. Stated that this item has not been discussed for quite some time and does not know where we are with the case.

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- Council Member Fearey Council Member Fearey stated that she would like to see how we compare to other cities our size regarding what the size of their legal department, legal budget and spending for the use of outside legal counsel.
- Council Member Gray Council Member Gray requested that we discuss this item in Executive Session.
- George Kolb City Manager stated that that could be done today during today's Executive Session.
- Motion-- Gray moved to defer this item to discuss in Executive Session and vote on at a different meeting.
--carried Motion carried 7 to 0.

ACQUISITION

ACQUISITION OF 1504 SOUTH RIDGE ROAD FOR WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0092

Wichita Airport Authority has approved a master plan to acquire real estate within the boundaries of West Harry Street, Ridge Road, Airport Road and West Mariposa for airport related development. The property located at 1504 South Ridge Road lies within the proposed master plan. The site has 20,090 square feet and is zoned Single Family. Improvements consist of a vacant, 976 square foot single-family residence.

The property is currently listed for sale on the open market at \$75,000. The City had the property appraised in December 2005. The appraised value of \$75,000 was offered to the owner. The owner has agreed to sell the property for this amount, plus commissions and fifty percent of closing costs. The improvements will be raised if the improvements are not sold and the site reserved for future airport use.

A budget of \$98,325 is requested and includes the \$75,000 purchase price, \$20,000 for demolition, environmental services and airport administrative services, \$350 acquisition fee and \$2,975 title work, commissions, and closing costs. The cost of this acquisition will be paid for with General Obligation Bonds funded with Airport Revenue.

The Law Department has approved the resolution and contract as to legal form.

- Motion-- Mayans moved that the Budget be approved; the resolution adopted; the Real Estate Purchase Contract approved and the Mayor authorized to sign the necessary documents. Motion carried 7 to 0.
--carried

RESOLUTION NO. A 06-002

A Resolution declaring that a public emergency exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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SUPP AGMNT NO. 4 RAYTHEON AIRCRAFT SERVICES-SUPPLEMENTAL AGREEMENT NO. 4.

Agenda Report No. 06-0093

Raytheon Aircraft Services currently leases the facility located at 2190 Airport Road. The term of the agreement is through January 31, 2005, and includes two ten-year renewal options, subject to the renegotiation of all fees, charges and rentals. Rental during the option periods is to be at fair market value. Raytheon has requested that they be allowed to exercise the first option; however, that they be allowed to terminate the agreement any time after February 1, 2008 by giving a 180-day written notice to the Wichita Airport Authority.

The Martens Commercial Group was engaged to determine the fair market rental value. Land rent is established per Wichita Airport Authority policy.

Rental will be retroactive to February 1, 2005. During the ten-year extension, facility rent will generate \$52,442.41 per year. Land rent during the first year will be \$62,770.84, and will increase 5% each year. This compares to a past rental rate of \$13,200 for facility rent and \$8,168 for land rent.

The Law Department has approved the supplemental agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 4 be approved and the necessary signatures authorized. Motion carried 7 to 0.

ADJOURNMENT

Motion--carried

Mayans moved at 11:05 a.m. to adjourn the regular meeting. Motion carried 7 to 0.

RECESS

Motion--

--carried

Mayans moved that the City Council recess into Executive Session at 11:06 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; legal advice and that the Council return from Executive Session no earlier than 11:00 a.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 7 to 0.

RECONVENE

The Council reconvened in the First Floor Board Room of City Hall at 11:05 a.m. Mayor Mayans stated announced that no action was taken.

Motion--carried

Mayans moved to close the Executive Session at 11:05 a.m. Motion carried 4 to 0, (Martz, Fearey and Schlapp absent)

*****Workshop followed in the First Floor Board Room*****

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EXECUTIVE SESSION

Motion-- Schlapp moved that the City Council recess into Executive Session at 1:55 p.m. to consider:
Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 2:10 p.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 6 to 0, (Mayans absent)

--carried

RECONVENE

The Council reconvened in the First Floor Board Room at 2:11 p.m.

Motion--carried Schlapp moved to close the Executive Session at 2:11 p.m. Motion carried 6 to 0, (Mayans absent).

Motion--carried Schlapp moved to adjourn at 2:12 p.m. Motion carried 6 to 0, (Mayans absent)

ADJOURNMENT

The Council adjourned at 2:12 p.m.